

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

COSTELLO DISMANTLING CO., INC., :
Plaintiff, :
 :
v. : CA 03-320T
 :
SHIRE CORPORATION and UNITED :
STATES FIDELITY & GUARANTY :
COMPANY, :
Defendants :

REPORT AND RECOMMENDATION

David L. Martin, United States Magistrate Judge

Before the court is Plaintiff, Costello Dismantling Co., Inc.'s Motion for Default Judgment [Pursuant] to Rule 37 of the Federal Rules of Civil Procedure ("Motion for Default Judgment"). This matter has been referred to me for preliminary review, findings, and recommended disposition pursuant to 28 U.S.C. § 636(b)(1)(B) and D.R.I. Local R. 32(a). Hearings were conducted on February 18, 2005, and March 10, 2005, and a further hearing was scheduled for March 24, 2005.

On March 23, 2005, the court received a letter from Plaintiff's counsel which stated that "on behalf of our client Costello Dismantling Co., Inc., we will be passing the Motion to Default currently scheduled before your Honor on March 24, 2005[,] for compliance." Letter from McCarthy to Martin, M.J., dated 3/23/05. Accordingly, I recommend that the Motion for Default Judgment be passed.

Any objections to this Report and Recommendation must be specific and must be filed with the Clerk of Court within ten (10) days of its receipt. See Fed. R. Civ. P. 72(b); D.R.I. Local R. 32. Failure to file specific objections in a timely manner constitutes waiver of the right to review by the district

court and of the right to appeal the district court's decision.
See United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir.
1986); Park Motor Mart, Inc. v. Ford Motor Co., 616 F.2d 603, 605
(1st Cir. 1980).

DAVID L. MARTIN
UNITED STATES MAGISTRATE JUDGE
March 24, 2005